PROCLAMATION

RE: BLACK SEA BASS – COMMERCIAL FISHING OPERATIONS

Dr. Louis B. Daniel III, Director, Division of Marine Fisheries, hereby announces that effective at **12:01 A.M., Sunday, September 1, 2013**, the following restrictions shall apply to the commercial black sea bass fishery **north of Cape Hatteras (35° 15.3'N. Latitude)**:

I. SIZE LIMIT

It is unlawful to possess black sea bass less than **11 inches total length** north of Cape Hatteras. Total length shall be measured along the lateral midline from the tip of the nose to the tip of the tail, **excluding the caudal fin filament**.

II. HARVEST LIMITS

A. During the period beginning at **12:01 A.M. Sunday, September 1, 2013** and ending at **6:00 P.M. Monday, September 30, 2013,** no commercial **fish pot or hook and line fishing operation**, regardless of the number of people involved, may have total landings of more than **2500 pounds** of black sea bass taken from the Atlantic Ocean north of Cape Hatteras. **The black sea bass fishery will close immediately after the Director issues a public notice that the quota of black sea bass has been landed from the Atlantic Ocean north of Cape Hatteras, or at 6:00 P.M., September 30, 2013, whichever occurs first.**

B. During the period in II.A. above, commercial **trawl** vessels may land up to **100 pounds of black sea bass per trip** taken from the Atlantic Ocean.

III. GEAR RESTRICTIONS

FISH TRAPS/POTS:

Black sea bass pots or traps must conform with the Federal rule requirements for escape vents specified in 50 CFR 648.144 (b)(2) and for degradable fasteners specified in 50 CFR 648.144 (b)(3)(i), (ii) and (iii). (See V.I. below).

IV. PERMITS

Finfish dealers may not buy more than 100 pounds of black sea bass caught north of Cape Hatteras per day per commercial fishing operation unless the dealer has a valid 2013 Black Sea Bass – North of Cape Hatteras Dealer Permit from the North Carolina Division of Marine Fisheries. Permits will be issued only to those licensed fish dealers holding a valid license as authorized in G.S. 113-169.3. Dealers must abide by all conditions of the 2013 Black Sea Bass-North of Cape Hatteras Dealer Permit as set out in N.C. Marine Fisheries Rule 15A NCAC 03O .0503.

Dealers possessing a 2013 Black Sea Bass Dealer Permit shall report black sea bass landings from the Atlantic Ocean through FAX transmittal (252-726-3903) or electronic mail on forms provided by the Division. Black sea bass landings reports for each day's catch shall be reported by noon of the following day. **Trawl landings of up to 100 pounds per trip do not have to be called in daily during this period, but can be reported monthly.**

V. GENERAL INFORMATION

A. This proclamation is issued under the authority of N.C.G.S. 113- 170.4; 113-170.5; 113-182; 113-221.1; 143B-289.52 and N.C. Marine Fisheries Commission Rules 15A NCAC 03M .0512 and 03O. 0503.

B. It is unlawful to violate the provisions of any proclamation issued by the Fisheries Director under his delegated authority pursuant to N.C. Marine Fisheries Commission Rule 15A NCAC 03H .0103.

C. The landing prohibition beginning at 6:00 P.M. on September 30, 2013 will allow the Division to review landing reports.

D. For the purposes of this proclamation, fish shall be considered landed when fish are unloaded or the vessel is tied to the dock, whichever occurs first.

E. Marine Fisheries Commission Rule 15A NCAC 03I .0113 specifies that it is unlawful for any licensee under Chapter 113, Subchapter IV of the General Statutes to refuse to allow the Fisheries Director or his agents to obtain biological data, harvest information, or other statistical data necessary or useful to the conservation and management of marine and estuarine resources from fish in the licensee's possession.

F. Federal regulations for Fisheries of the Northeastern United States specify in 50 CFR Part 648.4(a)(7) that "any vessel of the United States that fishes for or retains black sea bass in or from the EEZ north of 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, must have been issued and carry on board a **valid National Marine Fisheries Service Black Sea Bass Moratorium Permit**, except for vessels other than party or charter vessels that observe the 100 pound possession limit established pursuant to §648.145."

G. The intent of this proclamation is to allow North Carolina to comply with the requirements of the Atlantic States Marine Fisheries Commission Summer Flounder, Scup and Black Sea Bass Fisheries Management Plan (FMP) and to manage the commercial black sea bass fishery under the state quota system established by the FMP. North Carolina is operating under a state quota and these trip limits and harvest periods are intended to constrain the harvest to the quota.

H. Copies of escape vent specifications for black sea bass pots north of Cape Hatteras are available via the Federal Register posted on the Internet at: http://www.nero.noaa.gov/nero/regs/infodocs/Black%20Sea%20Bass_Info-final.pdf and from the Division of Marine Fisheries, P.O. Box 769, Morehead City, NC 28557.

I. This proclamation supersedes Proclamation FF-39-2013, dated July 24, 2013.

BY: _____
Dr. Louis B. Daniel III, Director
DIVISION OF MARINE FISHERIES

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/mjc

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